ment of Urban Development, there are the Nehru Rozgar Yojna and the Prime Minister's Integrated Urban Poverty Eradication Programme. There are also the U.B.S.P. and the Accelerated Urban Water Supply Programmes. Under these programmes, different aspects are being covered. Under the I.D.S.M.T. programme, actually the guidelines were revised from 1995-% onwards to facilitate the State Govemments to proceed with the Programme at a faster pace.

धारा 370 में संशोधन करने का औचित्य

***127. श्री राघवजी: क्या प्रधान मंत्री यह बताने की कृपा करेंगे कि:**

(क) क्या सरकार संविधान की, कश्मीर से संबंधित धारा 370 में संशोधन करने का विचार रखती है; और

(ख) यदि हां, तो उसका ब्यौरा तथा औचित्य क्या है?

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS (SHRI SR. BALASUBRAMANIY-AN.): (a) and (b) No, Sir, there is no such proposal.

श्री राघवजी: सभापति जी, मैं आप के माध्यम से माननीय मंत्री जी से जानना चाहता हूं कि इस नए मंत्रिमण्डल के सदस्य बार-बार जम्मू-काश्मीर को और अधिक स्वायत्तता देने की बात करते रहे हैं और स्वायत्तता देने का प्रावधान अकेले धारा-370 में ही है तो वह स्वायत्तता किस-किस मायने में और देना चाहते हैं। महोदय, वैसे तो धारा-370 अस्थाई है जिसे समाप्त हो जाना चाहिए था, लेकिन फिर भी यह बात कही जाती है कि स्वायत्तता देना चाहते हैं तो ये स्वायत्तता किन-किन क्षेत्रों में देना चाहते हैं, क्यों देना चाहते हैं, अन्य राज्यों को क्यों नहीं देना चाहते हैं, केवल जम्मू-काश्मीर को ही इन्होंने इस बात के लिए क्यों पसंद किया है, यह मैं माननीय मंत्रीजी से जानना चाहता हूं?

SHRI S. R. BALASUBRAMONIY-AN: Sir, the accession of Jammu and Kashmir was under peculiar circumstances. The British Parliament passed the Indian Independence Act on the 18th of July, 1947, which created two dominions, Pakistan and India. There is section VI of the Indian Provisional Constitution which derives its authority from the Indian Independence Act, 1947 and provides for accession of the Indian States. Actually, more than 500 States signed the Instrument of Accession and acceded to the Dominion of India before the Dominion came into existance on 15th August, 1947. Some princely states joined the new independent Dominion of Pakistan. The ruler of Jammu and Kashmir signed the Instrument of Accession on October 26, 1947. The same was accepted by the Governor General on 27th October, 1947. The other princely states which signed the Instrument of Accession agreed to adopt the Constitution of India in full. However, in the case of Jammu and Kashmir, there is some *complication...(Interruptions)* Yes, I am answering. That is your question and I am answering it.

SHRI MD. SALIM: Listen to the answer.... *{Interruptions)...*

SHRI SR. BALASUBRA-MONIYAN: That is the answer. I am answering the question. I am not answering a different question. The issue is completely complicated. Parts of Kashmir were under Pakistan's occupation. Number (2), the ongoing struggle of the people of Jammu and Kashmir against the Maharaja himself led to the demand for an emergency administration of Sheikh Adbullah on 30th October, 1947. Subsquently, it was replaced by a popular interim Government on 5th March, 1948.

India's referring the matter to the U.N. following the tribal and Pak invasion....

MR. CHAIRMAN: Why are you going into the whole history?

SHRI S.R. BALASUBRA-MONIYAN: Sir, his question is totally differnt from the supplementary. The main question is whether we are going to amend Article 370. I have given the

answer and it is 'no'. Now, he wants to know about giving more autonomy to Kashmir. That is why I am referring as to why Article 370 is there and why it cannot be abrogated ....*(Interruptions)*....

MR. CHAIRMAN: But I think the supplementary is related to the main question. Please answer the supplementary.. .*(Interruptioitss)*....

SHRI SR. BALASUBRA-MONIYAN: Sir, there are some special circumstances; therefore, Article 370 cannot be abrogated. The Constitution provides that unless the State Assembly of Jammu and Kashmir agress to that we cannot abrogate.

SHRI SATISH AGARWAL: The question is not with regard to abrogation. The question is in regard to amendment—what amendments, why any amendment and what type of amendments you want to incorporate. That is all. It is not with regard to abrogation.

MR. CHAIRMAN: For that, his answer is, 'no amendment'.

SHRI SATISH AGARWAL: Let him say so. ...*(Interruptions)*. .

SHRI S. R. BALASUBRA-MONIYAN: Sir, regarding the autonomy, all that I can say is that once a popular Government is elected, we can negotiate with it and then we can arrive at a decision as to what type of real autonomy and more powers they want. ... *(Interruptions)*...

SHRI SATISH AGARWAL: Presently, there is no move under the Government's.....*(Interruptions)*...

MR. CHAIRMAN: Now you put your second supplementary.

SHRI SURINDER KUMAR SINGLA: Sir...

MR. CHAIRMAN: No, no. I have called for the second supplementary. ... *(Interruptions)*...

श्री राघवजी: माननीय सभापति महोदय, अभी-अभी मंत्री जी ने यह जवाब दिया है कि जब वहां विधानसभा बन जाएगी तो उसके बाद स्वायतता के क्षेत्रों के बारे में विचार किया जाएगा। यदि यह बात है, तो मंत्रिमंडल के सदस्य बार-बार इस बात के लिए क्यों कहते है कि हम स्वायतता और अधिक देना चाहते हैं, जबकि वहां अभी विधानसभा बनी ही नहीं? विधानसभा बनने के बाद ही यह बात उठाई जानी चाहिए। उसके पहले यह बात क्यों उठना शुरू हो गई? अभी तो विधान सभा ने कोई राय दी नहीं। एक तो मैं यह जानना चाहता हूं। दूसरा, जैसा माननीय मंत्री जी ने कहा कि जो परिस्थितियां थीं, उन परिस्थितियों में धारा 370 लाई गई। तो मैं माननीय मंत्री से यह जानना चाहता हूं कि क्या उन पस्थितियों में ही संविधान बनाने वालों ने यह तय कर दिया था कि यह धारा अस्थाई है और कुछ समय बाद इसको समाप्त कर दिया जाएगा? अगर उन परिस्थितियों को देखते हुए उन्होंने यह बात कही थी, तो मैं यह जानना चाहता हूं कि यह धारा कब समाप्त कर दी जाएगी?

SHRI S. R. BALASUBRAMONIYAN: Sir, regarding his first supplementary, it is not a question of thinking. There is a demand for more autonomous powers to the States. ...*(Interruptions)*... We will consider it only after a popular government is elected. Then we will consider what type of more powers they want. That is one thing. Regarding Article 370..... *(Interruptions)*...

SHRI VISHNU KANT SHASTRI: Then why are the Ministers giving assurances? ... *(Interruptions)*...

MR. CHAIRMAN: I have not called you ...*(Interruptions)*... Shri Sikander Bakht. ...*(Interruptions)*...

THE LEADER OF OPPOSITION (SHRI SIKANDER BAKHT): Sir.. ...*(Interruptions)*...

SHRI SURINDER KUMAR SINGLA: Mr. Chairman, Sir, this question is addressed to the hon. Prime Minister and the Minister of State for Personnel.....*(Interruptions)*...

MR. CHAIRMAN: Yes, I know that. The whole House knows that.

SHRI SIKANDER BAKHT: My thanks to the Minister for refreshing our memory about the entire Kashmir business. What was the logic given in the Constituent Assembly when Article 370 was introduced? What were the assurances given—^the assurances which are part of the record? Secondly, what is the logic for contradicting the original logic and assurance tody? Thirdly, please spell out what you mean by offering maximum autonomy.

SHRI S. R. BALASUBRAMONIYAN: Article 370 was incorporated because we had given a solemn assurance. We had given it to all the States, but the other States agreed before the commencement of the Constitution....

SHRI SIKANDER BAKHT: I am not asking that. What was the logic given when article 370 was introduced and what were the assurances given; What is the reason for going back on those assurances and the logic?

SHRI S. R. BALASUBRAMONIYAN: We cannot abrogate article 370. ...*(Interruptions)*...

SHRI SIKANDER BAKHT: That is not the quetion. *(Interruptions)* Sir, I seek your protection. We are not talking about abrogation of the article. I am asking: What was the logic behind the introduction of article 370? *(IrUerruptons)*

SHRI S. R. BALASUBRAMONIYAN: That is what I am *saying..(Interruptons)*..

SHRI SIKANDER BAKHT: I am sorry. *(Interruptons)*

SHRI S. R. BALASUBRAMONIYAN: All the States agreed ...*(Interruptions)*...

SHRI SIKANDER BAKHT: Sir, these Ministers do not care to listen to our question. *(Interruptons)* Have we got the answer? *(Interruptons)* Sir, I am only asking you, have we got answers to the questions put by me?

MR. CHAIRMAN: Is the Minister clarifying that further? *(Interruptons)*

SHRI S. R. BALASUBRAMONIYAN: Sir, I have answered that question. *(Interruptons)* Regarding the solemn assurances given by the Government of India at the time of accession. There was a Constituent Assembly which dissolved itself in 1956 and after the dissolution of the Constituent Assembly of Jammu and Kashmir, there is no question whatsoever of abrogating article 370. *(Interruptons)* Unless there is another Constitutional Assembly we cannot think of abrogating article 370. *(Interruptons)*

SHRI SIKANDER BAKHT: Sir, simply because the hon. Minister is new to the job, I am giving up. I am not insisting on it because it is not going to come. I know. *(Interruptons)*

MR. CHAIRMAN: May I go to the next person? *(Interruptons)*

SHRI GURUDAS DAS GUPTA: Sir, Question No. 139 on the same subject can be clubbed together. *(Interruptons)*

MR. CHAIRMAN: We are on Q. No. 127. *(Interruptons)*

SHRI NILOTPAL BASU: There have ijeen some complaints that over the years, the provision of autonomy that was inherent in article 370 of the Constitution has been eroded by the kind of powers used by the Central Government. I would like to know from the Minister what the response of the Government is towards such complaints and what kind of erosion has taken place, if at all.

SHRI S. R. BALASUBRAMONIYAN: Which question, Sir? *(Interruptons)*

MR. CHAIRMAN: The one he has asked just now. *(Interruptons)* Will you repeat the question briefly? *(Interruptons)* Will you repeat it briefly?

SHRI NILOTPAL BASU: Sir, the question of greater autonomy about which our friends on that side are so interested, has arisen out of certain complaints over the fact that there has been some erosion in implementation of article 370 *vis-a-vis* the people of Jammu

and Kashir, 1 would like to know from the Minister whether there has been any such erosion and if so the details thereof.

SHRI S. R.BALASUBRAMONIYAN: Sir, there is no such erosion whatsoever, There is no such erosion. *(Interruptons)*

SHRI S.B. CHAVAN: Sir, I would like to put a supplementary. At the time of accession of Jammu and Kashmir to the Indian Union there were only three subjects which, in fact, the Maharaja conceded at that time. Subsequently, a number of amendments to article 370 had to be undertaken at the instance of the Jammu and Kashmir Government itself. Now, there is a clamour that there is an erosion of powers which were there according to the original Instrument of Accession and there has been an erosion of autonomy of the State which was confined to only three States. Subsequent amendments—in fact, it is not an erosion—have been made at the instance of the Jammu & Kashmir Government itself. Now, the question arises that there is a clamour that these new things which had been added need to be cancelled, and, it should be brought back to 1952. That is the pwint which the Government of India has to consider. What is the thinking about this because I am not supposed to give all the information; *(Interruptons)*

SHRI SATISH AGARWAL. The supporting party has to support the answer. ... *(Interruptions)*...

THE PRIME MINISTER (SHRI H.D. DEVE GOWDA): I would like to clarify the position as it stands today. In both the Houses of Parliament on several occasions the Issue of article 370 has cropped up. The then prime Minister, late madam Gandhi, had made a categorical statement on the floor of the House so far as article 370 is concerned. And that statement is crystal clear. As you know Jammu and Kashmir is the only State which had constituted a separate Constituent Assembly for the State to determine its Constitution and the sphere of Union jurisdiction over the State. It was left to the Assembly to decide whether article 370 should remain or it should be modified or it should be abrogated. This is reflected in clause 3 of the article. That is why article 370 was called 'temporary'. The Constituent Assembly of the State had not given its decision by 1950 and the Constitution of this country was given effect to by that time. The Kashmir Assembly had not completed its proceedings by that time. The Constituent Assembly completed its work in 1956, but did not suggest deletion of or modification to article 370. Therefore, it has become a permanent part of the Constitution since 1956. This is where we stand. This is the position which we cannot reverse.

Counter Guarantee for Dabhol Power Project

*128. SHRI DIPANKAR MUKHERJEE: Will the PRIME MINISTER be pleased to state:

(a) whether counter guarantee given for Dabhol Power Project before its cancellation by the Maharashtra Government remained valid even after its cancellation;

(b) if not, whether the revised PPA sent after the negotiated settlement b> Maharashtra Government warrants fresh counter guarantee;

(c) if so, when was the fresh request by Government of Maharashtra for counter guarantee made; and

(d) the present status of counter guarantee for Dabhol Power Project?

THE MINISTER OF STATE IN THE MINISTRY OF POWER (DR. S. VENUGOPALACHARI): (a) Yes, Sir.

(b) and (c) Do not arise.

(d) As replied at (a) above.